

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

| | | |
|----------------------------|---|---------------------------|
| TRACEY LAMOUAR SALTER, II, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 2:20-cv-00454-JPH-MJD |
| |) | |
| GTL GLOBAL TEL LINK, |) | |
| |) | |
| Defendant. |) | |

**ORDER DIRECTING PAYMENT OF FILING FEE,
DISMISSING COMPLAINT, AND PROVIDING OPPORTUNITY TO AMEND**

**I.
FILING FEE**

The plaintiff shall have **through October 6, 2020**, in which to either pay the \$400.00 filing fee for this action or demonstrate that he lacks the financial ability to do so. If he seeks leave to proceed *in forma pauperis*, his request must be accompanied by a copy of the transactions associated with his institution trust account for the 6-month period preceding the filing of this action on September 2, 2020.

**II.
SCREENING STANDARD**

Mr. Salter is a prisoner currently incarcerated at Wabash Valley Correctional Facility. Because he is a "prisoner" as defined by 28 U.S.C. § 1915A(c), this Court has an obligation under 28 U.S.C. § 1915A(a) to screen his complaint before service on the defendants. Pursuant to 28 U.S.C. § 1915A(b), the Court must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. In determining whether the complaint states a claim, the Court applies the same standard as

when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Lagerstrom v. Kingston*, 463 F.3d 621, 624 (7th Cir. 2006). To survive dismissal,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). Pro se complaints such as that filed by the plaintiff are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015).

III. DISCUSSION

The complaint names GTL Global Tel Link ("GTL") as the sole defendant. Mr. Salter is suing GTL "for whatever they have done that's not right, or for what they do that's not right." Based on the screening standard set forth above, all claims against GTL are **dismissed for failure to state a claim upon which relief may be granted**.

The plaintiff shall have **through October 6, 2020**, to file an amended complaint that resolves the deficiencies discussed above. *See Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1022 (7th Cir. 2013) ("Without at least an opportunity to amend or to respond to an order to show cause, an IFP applicant's case could be tossed out of court without giving the applicant any timely notice or opportunity to be heard to clarify, contest, or simply request leave to amend."). The **clerk is directed** to include a complaint form and a form motion for leave to proceed *in forma pauperis* with the plaintiff's copy of this Order. The **clerk is also directed** to restrict access to the complaint to case participants, as it includes the Mr. Salter's social security number.

If Mr. Salter chooses to file an amended complaint, he must use the form provided by the Court, and he must include the appropriate case number, 2:20-cv-00454-JPH-MJD. The amended complaint will completely replace the original complaint, so it must include all defendants, claims, and factual allegations that Mr. Salter wishes to pursue in this action. He shall not include his social security number in the amended complaint.

If the plaintiff fails to comply with these orders in the time provided, the Court will dismiss this action without further warning or opportunity to show cause and enter final judgment.

SO ORDERED.

Date: 9/14/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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